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TO:	FROM:
Examiner: J. D. Popham	Paul D. Amrozowicz, Reg. No. 45,264
COMPANY:	DATE:
USPTO	DECEMBER 27, 2006
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
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PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	044.0019
RE:	RECIPIENTS REFERENCE NUMBER:
Response	09/911,149

URGENT

FOR REVIEW

PLEASE COMMENT

PLEASE REPLY

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NOTES/COMMENTS:

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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In re application of: Chad W. MERCER et al. Group Art Unit: 2137
Serial No.: 09/911,149 Examiner: J. D. Popham
Filed: July 23, 2001 Confirmation No.: 4485

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10 For: METHOD FOR ESTABLISHING A SECURITY ASSOCIATION BETWEEN
TWO OR MORE COMPUTERS COMMUNICATING VIA AN
INTERCONNECTED COMPUTER NETWORK

Docket No.: 044.0019

15 Customer No. : 29906

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on December 27, 2006.

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Paul D. Amrozowicz

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

20

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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25

Sir:

This is a Reply Brief pursuant to 37 C.F.R. § 41.41 in response to an Examiner's Answer mailed November 27, 2006. Each of the topics in the Examiner's Answer for which a response is supplied herein are indicated using appropriate subheadings on the following pages. This

30 Reply Brief does not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence. As such, Appellant submits it is in full compliance with 37 C.F.R. § 41.41(a).

I. THE EXAMINER'S RESPONSE TO ARGUMENT SECTION MISTATES
WHAT IS DISCLOSED IN CARMEN ET AL., AND IMPLIES A
PROPOSITION THAT IS NOT SUPPORTED BY STATUTE OR CASE LAW

5 In the "Response to Argument" section of the Examiner's Answer, the Examiner states
that Carmen et al. teaches that "the SPI is the *sole* value used to access the SAD into order to
store and retrieve the appropriate SA," and cites col. 17, l. 51 to col. 18, l. 56 to support this
allegation. See Examiner's Answer at 8 (emphasis added). However, this statement completely
mischaracterizes what Carmen et al. discloses. Rather, what Carmen et al. explicitly states is that
10 "[t]he retrieved SPI is then used to access the SAD to retrieve the appropriate authentication gear
information." Nowhere does Carmen et al. disclose, or even remotely suggest, that the SPI is the
sole value used to access the SAD; and to allege that it does is simply disingenuous. As
Appellant noted in its Appeal Brief, the skilled artisan, upon reading such generalized statements
associated with how the SPI is used, would only conclude that the teaching refers to what was
15 generally known in the art at the time the inventors invented the instant invention. Without the
luxury of Appellants' own disclosure a skilled artisan would not have even considered the
generalized teaching of "using" the SPI to access the SAD to mean that the SPI is the specific
address value in the SAD at which the associated SA is stored.

In addition to the above, the Examiner further states that because Carman et al. "does not
20 teach any hashing of the SPI value when using the SPI to access the SAD and store/retrieve the
SA, or using any other value together with the SPI for accessing the SAD, he does teach
assigning the specific memory address value as an SPI associated with the received SA data
structure." See Examiner's Answer at 8-9. Thus, it is apparently the Examiner's understanding
that if a prior art reference does not explicitly teach what is conventionally known in the prior art
25 or what is claimed in an application being examined, then one is free to use the reference as a
basis for asserting that it discloses anything whatsoever, including what is claimed in the
application being examined. As the Board may no doubt appreciate, such a proposition is not
supported by any statute or case law.

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II. CONCLUSION

In view of the foregoing, Appellant once again submits that the final rejection of 1-8 and 36 is improper and should not be sustained. Appellant also repeats its earlier request for a reversal of the rejections in the final Office action dated August 5, 2005.

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Respectfully submitted,

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Dated December 27, 2006

Paul D. Amrozowicz
Registration No. 45,264